

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
KERRY GORDON,	:	
	:	S2 18 Cr. 289 (SHS)
Defendant.	:	
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WHEREAS, on or about September 20, 2019, KERRY GORDON (the “Defendant”), was charged in a seven-count Superseding Information, S2 18 Cr. 289 (SHS) (the “Information”), with conspiracy to commit-mail and wire fraud, in violation of Title 18, United States Code, Section 1349 (Counts One and Four); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Counts Two and Five); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Counts Three and Six); conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Seven);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Six of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of the offenses charged in Counts One through Six of the Information, including but not limited to a sum of money in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Six of the Information that the Defendants personally obtained;

WHEREAS, the Information included a second forfeiture allegation as to Count Seven of the Information, seeking forfeiture to the United States, pursuant to Title 18, United

States Code, Sections 982(a)(2)(A), of any and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that the defendants personal obtained;

WHEREAS, on or about September 20, 2019, the Defendant pled guilty to Counts One through Seven of the Information, pursuant to a cooperation agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One through Seven of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code Sections 981(a)(1)(C) and 982(a)(2)(A), and Title 28, United States Code, Section 2461(c), a sum of money in United States currency, representing proceeds traceable to the commission of the offenses charged in Counts One through Seven of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,405,763.34 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One through Seven of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Seven of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Danielle M. Kudla, Nicolas W. Chiuchiolo, Nicholas Folly, and Alexandra Rothman, of counsel, and the Defendant and his counsel, Steven G. Brill, Esq., that:

1. As a result of the offenses charged in Counts One through Seven of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$1,405,763.34 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One through Seven of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant KERRY GORDON, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: 

NICOLAS W. CHIUCHIOLO  
NICHOLAS FOLLY  
ALEXANDRA ROTHMAN  
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(212) 637-1247/1060/2580/2304

6/6/2023  
DATE

KERRY GORDON

By: 

KERRY GORDON

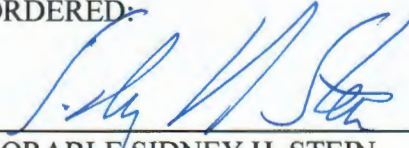
6-6-23  
DATE

By: 

STEVEN G. BRILL, ESQ.  
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115 Broadway, 17<sup>th</sup> Floor  
New York, NY 10006  
[Steven.brill@sullivanbrill.com](mailto:Steven.brill@sullivanbrill.com)

6-6-23  
DATE

SO ORDERED:

  
HONORABLE SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE

June 6, 2023  
DATE